

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO, : PROMESA  
as representative of : Title III  
THE COMMONWEALTH OF PUERTO RICO *et al.*, : Case No. 17-BK-3283 (LTS)  
Debtors.<sup>1</sup> : (Jointly Administered)

**URGENT MOTION OF OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR  
LEAVE TO EXCEED PAGE LIMIT WITH RESPECT TO MOTION FOR ORDER  
AUTHORIZING COMMITTEE TO PURSUE CERTAIN CAUSES OF ACTION  
ON BEHALF OF COMMONWEALTH AND GRANTING RELATED RELIEF**

To the Honorable United States District Judge Laura Taylor Swain:

The Official Committee of Unsecured Creditors of all Title III Debtors (the “Committee”) hereby file this urgent motion (the “Urgent Motion”), requesting entry of an order, substantially in the form of Exhibit A attached hereto, allowing the Movants (as defined below) to exceed the thirty-five page limit set forth in the *Eighth Amended Notice, Case Management and Administrative Procedures* [Docket No. 4866-1] (the “Case Management Procedures”) with respect to the *Motion of Official Committee of Unsecured Creditors for Order Authorizing Committee to Pursue Certain Causes of Action on Behalf of Commonwealth and Granting*

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<sup>1</sup> The Debtors in these Title III cases, along with each Debtor’s respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481), (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686), (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808), (iv) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474), and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747).

*Related Relief* (the “Motion”).<sup>2</sup> In support of this Urgent Motion, the Committee respectfully states as follows:

**JURISDICTION AND VENUE**

1. The United States District Court for the District of Puerto Rico has subject matter jurisdiction over this matter pursuant to section 306(a) of PROMESA. Venue is proper pursuant to section 307(a) of PROMESA.

**RELIEF REQUESTED**

2. The Committee respectfully requests that Movants be allowed to exceed the page limit for memoranda of law in support of motions by no more than five (5) pages and to file the Motion of no more than forty (40) pages, exclusive of the cover page, tables of contents and authorities, signature pages, exhibits, and certificate of service.

**BASIS FOR RELIEF REQUESTED**

3. Pursuant to paragraph I.E of the Case Management Procedures, memoranda of law in support of motions are limited to thirty-five (35) pages unless “prior permission has been granted” to exceed that limit.

4. The Committee respectfully submits that there is good cause to exceed that limit under these circumstances. As explained more fully in the Motion, Movants filed the Motion only after almost two full years of discussions with the Oversight Board, multiple attempts to arrive at a consensual resolution, and numerous pleadings and other statements submitted to the Court, including status reports, Rule 2004 motions, informative motions, and statements at various hearings. This complex and lengthy background is necessary for the Court’s full understanding of the Motion. Additionally, by its very nature the Motion requires at least a high-

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<sup>2</sup> The “Movants” of the Motion are the Committee and Committee members Doral Financial Creditors’ Trust, Service Employees International Union, and Tradewinds Energy Barceloneta, LLC

level summary of the causes of action that the Movants believe should be pursued by the Committee. For these reasons, Movants will not be able to meet the thirty-five page limit for its Motion.

5. Accordingly, the Committee respectfully request authorization to file the Motion of no more than forty (40) pages, exclusive of the cover page, tables of contents and authorities, signature page, exhibits, and certificate of service. The Committee submits that this request is reasonable and appropriate in light of the circumstances described above.

6. Pursuant to Section I.H. of the Case Management Procedures, undersigned counsel certifies that it has engaged in reasonable, good-faith communications with counsel to other interested parties. Moreover, in accordance with Local Bankruptcy Rule 9013-1(a)(2), undersigned counsel certifies that counsel has carefully examined the matter and concluded that there is a true need for expedited consideration of the Urgent Motion, and that the Committee has not created the urgency through lack of due diligence on its part. Counsel to the Committee conferred with counsel for the Oversight Board's Special Claims Committee regarding this Urgent Motion, and *counsel for the Special Claims Committee consented to the relief requested in the Urgent Motion.*

### **NOTICE**

7. Notice of this Urgent Motion has been provided to the following entities, or their counsel, if known: (i) the U.S. Trustee; (ii) the Office of the United State Attorney for the District of Puerto Rico; (iii) the Oversight Board; (iv) AAFAF; (v) the official committee of retirees; (vi) the insurers of the bonds issued or guaranteed by the Debtors; (vii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors; and (viii) all parties that have filed a notice of appearance in the above-captioned Title III cases

**NO PRIOR REQUEST**

8. No prior request for the relief requested herein has been made by the Committee to this or to any other court.

*[Remainder of page intentionally left blank.]*

WHEREFORE, the Committee respectfully requests that this Court enter an order substantially in the form attached hereto as Exhibit A granting the relief requested herein, and granting such other relief as this Court deems just and proper.

Dated: April 17, 2019

By: /s/ Luc A. Despins

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